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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,991	08/21/2003	Jurgen Zimmermann	66489-026-5	7103

7590 06/16/2005

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Washington, DC 20005-3306

EXAMINER
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JOHNS, ANDREW W

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/644,991

Applicant(s)

ZIMMERMANN

Examiner

Andrew W. Johns

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28, 30 and 32-34 is/are allowed.
- 6) ☒ Claim(s) 31 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group II (claims 19-34) in the reply filed on 28 December 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed  
5 errors in the restriction requirement, the election has been treated as an election without traverse (M.P.E.P. § 818.03(a)).

2. While applicant's comments in the response filed 28 December 2004 indicated that claims 1-18 were canceled, the response did not include an amendment in compliance with 37  
10 C.F.R. § 1.121 canceling these claims, so that claims 1-18 remain pending and are withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 28 December 2004.

### *Claim Objections*

3. Claim 29 is objected to under 37 C.F.R. § 1.75(c) as being in improper form because a  
15 multiple dependent claim must clearly refer to the various parent claims in the alternative. Claim 29 makes reference to, and incorporates the limitations of *both* claim 19 *and* claim 1 (which is further withdrawn from consideration), and fails to clearly define an alternative relationship to these claims. See M.P.E.P. § 608.01(n). Accordingly, the claim 29 has not been further treated on the merits.

### *Claim Rejections - 35 U.S.C. § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 31 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 is drafted as a dependent claim, incorporating and further limiting limitations from a parent claim. However, claim 31 is dependent from itself, so that it is unclear what these other elements or limitations are or how the additional feature(s) of claim 31 further limit or define them. It would appear the claim 31 would be more properly dependent upon claim 30.

***Allowable Subject Matter***

6. Claims 18-28, 30 and 32-34 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art teaches or suggests the claimed invention. In particular, while Echerer et al. teaches a system and method for storing radiographic images, Echerer et al. fails to teach or fairly suggest storing the images, with object labeling information assigned to the images, in a first storage area, while a second storage area stores information concerning objects in the images, with references between the objects and the object labeling information, as required by claim 18. Furthermore, Benn et al. teaches a system and method for assigning information to objects, but fails to teach or suggest allocating a first storage area for the information and a second storage area for a reference, so that the information and reference can be stored, as required, in part, by claim 30. None of the other prior art suggests these features, so that the claimed invention is allowable over the prior art.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references were cited in the international search report in the parent

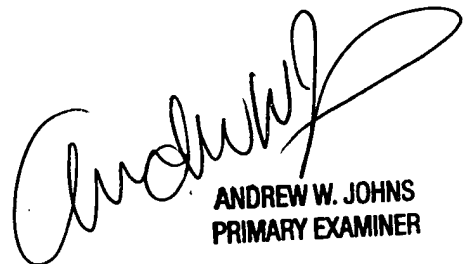
international application, or are the equivalent U.S. documents corresponding to references cited therein.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Johns whose telephone number is (571) 272-7391. The examiner is normally available Monday through Friday, at least during the hours of 9:00 am to 3:00 pm Eastern Time. The examiner may also be contacted by e-mail using the address: andrew.johns@uspto.gov. (Applicant is reminded of the Office policy regarding e-mail communications. See M.P.E.P. § 502.03)

10. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Joseph Mancuso, can be reached at (571) 272-7695. The fax phone number for this art unit is (703) 872-9306. In order to ensure prompt delivery to the examiner, all unofficial communications should be clearly labeled as "Draft" or "Unofficial."

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Receptionist whose telephone number is (571) 272-2600.

A. Johns  
11 June 2005

  
ANDREW W. JOHNS  
PRIMARY EXAMINER